REMARKS

Claims 1 and 3-33, pending in this application, are rejected under 35 USC 103(a) for unpatentability predicated on the Shafron and Furst references. It is noted that the immediately previous rejection of those claims as being anticipated by the Shafron reference has been withdrawn in view of Request for Reconsideration. In the previous response, it was pointed out that:

"Applicants have studied the Shafron reference carefully, but can identify no disclosure that teaches, or can be fairly said to suggest, updating graphical information and text label of a user-selectable button in the plug-in toolbar area of the browser -- dynamically based on a web site that is being accessed via the browser as claimed (e.g., claim 1)."

"Shafron does describe updating the content of a toolbar, but that content is not based on the web site being accessed via the browser ... the reference instead adds sponsored links into the links appearing at the 'favorites'/'bookmarks,' which are part of the browser features, not dynamic buttons that provide contextual links on the plug-in toolbar, as claim 1 requires."

" ... Shafron does not cause any change in content presented to the user, within the toolbar area of the browser or elsewhere -- *based on* the web site the user is visiting. An example of toolbar content change, in Shafron, page 42, is obtaining information from a 'preferred web site, even though the user is surfing *a different web site*.'"

"Indeed, Shafron is concerned simply with retaining an ability to display and periodically change or update a part of an Internet browser interface while the browser is activated ...This is objectively not equivalent to the claimed requirement of updating graphical information and text dynamically *based on* a web site being accessed."

In the current office action, the Examiner acknowledges that Shafron does not teach updating graphical information and text label dynamically based on a web site that is being accessed via the browser. In this respect, the Examiner recruits Furst, said to teach "updating the graphical information and the text label dynamically based on a web site that is being accessed via the browser." The Examiner continues to surmise that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Furst and Shafron to enable a user

to obtain and interact with context sensitive services and information based on the user's browsing activity (see office action, page 3, first paragraph).

The rejection of claims 1 and 3-33 predicated on Shafron in combination with Furst is inappropriate, and hence traversed. The claim, which must be read as a whole, requires providing a plug-in for installation in a browser. The plug-in bears programming instructions for carrying out a number of functions, namely, displaying a user-selectable button in the tool bar area of the browser (the button has graphic information and/or a text label, and directs the user to a web site corresponding to the text label), and updating the graphic information and text label dynamically based on the web site that is being accessed by the browser. Claims 11 and 22 similarly implicate a plug-in; claims 17 and 23 do not. All claims 1, 11, 17, 2 and 23, as well as their dependencies, require updating of graphic information and text label dynamically based on the web site being accessed by the browser.

Without Furst, Shafron inadequately teaches the subject matter that is claimed, as the Examiner has already found. Furst must be combined.

But Furst cannot appropriately be combined with Shafron. Furst is not a plug-in. In fact, Furst specifically teaches away from using plug-in programs in software applications of a type to which the claimed invention is directed – namely, ActiveX (see column 1, lines 59-63 of Furst). In other words, Furst's system is intended explicitly to create "extensions that are based on server processes rather than on plug-in programs, such as Netscape plug-ins or Microsoft ActiveX controllers, that have to be loaded and installed on the user's machine." Indeed, this is one of the first statements in the "summary of the invention" portion of Furst. Accordingly, Furst is at cross-purposes with Shafron. That these two references can rationally be combined would be surprising and unacceptable to persons of ordinary skill in this art.

Furthermore, unlike the claims, Furst uses a "thin client" with no autonomous logic, that serves merely as a pipe through which the information is sent to and from a server. The subject matter that is claimed in this application, by contrast, responds to information relating to online activity of a user, and by performing the functions recited necessarily sends a digested set of data elements to the server (see especially claims 23-33 in this respect). Applicability of Furst in

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combination with Shafron, within the context of the claims, is strained and nevertheless would neither lead to the claimed invention, nor negate non-obviousness of the claimed subject matter.

Accordingly, claims 1, 11, 17 and 22 and 23, and their dependencies, are patentable over the applied Shafron and Furst references, in combination, and a notice of allowance is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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